



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0495

Introduced 1/27/2005, by Rep. Mr. Jack McGuire

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-7-6
730 ILCS 5/5-5-3

from Ch. 38, par. 1003-7-6
from Ch. 38, par. 1005-5-3

Amends the Unified Code of Corrections. Requires that a person convicted of an offense that results in injury to a victim shall be ordered to pay for the medical and dental costs incurred by the victim in seeking treatment for those injuries inflicted by the person convicted.

LRB094 06933 RLC 37048 b

1 AN ACT in relation to criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-7-6 and 5-5-3 as follows:

6 (730 ILCS 5/3-7-6) (from Ch. 38, par. 1003-7-6)

7 Sec. 3-7-6. Reimbursement for expenses.

8 (a) Responsibility of committed persons. For the purposes
9 of this Section, "committed persons" mean those persons who
10 through judicial determination have been placed in the custody
11 of the Department on the basis of a conviction as an adult.
12 Committed persons shall be responsible to reimburse the
13 Department for the expenses incurred by their incarceration at
14 a rate to be determined by the Department in accordance with
15 this Section. Committed persons shall also be responsible for
16 reimbursing victims of their offenses for the costs of medical
17 and dental services incurred by the victims as a result of
18 their criminal conduct committed against the victims.

19 (1) Committed persons shall fully cooperate with the
20 Department by providing complete financial information for
21 the purposes under this Section.

22 (2) The failure of a committed person to fully
23 cooperate as provided for in clauses (3) and (4) of
24 subsection (a-5) shall be considered for purposes of a
25 parole determination. Any committed person who willfully
26 refuses to cooperate with the obligations set forth in this
27 Section may be subject to the loss of good conduct credit
28 towards his or her sentence of up to 180 days.

29 (a-5) Assets information form.

30 (1) The Department shall develop a form, which shall be
31 used by the Department to obtain information from all
32 committed persons regarding assets of the persons.

1 (2) In order to enable the Department to determine the
2 financial status of the committed person, the form shall
3 provide for obtaining the age and marital status of a
4 committed person, the number and ages of children of the
5 person, the number and ages of other dependents, the type
6 and value of real estate, the type and value of personal
7 property, cash and bank accounts, the location of any lock
8 boxes, the type and value of investments, pensions and
9 annuities and any other personalty of significant cash
10 value, including but not limited to jewelry, art work and
11 collectables, and all medical or dental insurance policies
12 covering the committed person. The form may also provide
13 for other information deemed pertinent by the Department in
14 the investigation of a committed person's assets.

15 (3) Upon being developed, the form shall be submitted
16 to each committed person as of the date the form is
17 developed and to every committed person who thereafter is
18 sentenced to imprisonment under the jurisdiction of the
19 Department. The form may be resubmitted to a committed
20 person by the Department for purpose of obtaining current
21 information regarding the assets of the person.

22 (4) Every committed person shall complete the form or
23 provide for completion of the form and the committed person
24 shall swear under oath or affirm that to the best of his or
25 her knowledge the information provided is complete and
26 accurate.

27 (b) Expenses. The rate at which sums to be charged for the
28 expenses incurred by a committed person for his or her
29 confinement shall be computed by the Department as the average
30 per capita cost per day for all inmates of that institution or
31 facility for that fiscal year. The average per capita cost per
32 day shall be computed by the Department based on the average
33 per capita cost per day for the operation of that institution
34 or facility for the fiscal year immediately preceding the
35 period of incarceration for which the rate is being calculated.
36 The Department shall establish rules and regulations providing

1 for the computation of the above costs, and shall determine the
2 average per capita cost per day for each of its institutions or
3 facilities for each fiscal year. The Department shall have the
4 power to modify its rules and regulations, so as to provide for
5 the most accurate and most current average per capita cost per
6 day computation. Where the committed person is placed in a
7 facility outside the Department, the Department may pay the
8 actual cost of services in that facility, and may collect
9 reimbursement for the entire amount paid from the committed
10 person receiving those services.

11 (c) Records. The records of the Department, including, but
12 not limited to, those relating to: the average per capita cost
13 per day for a particular institution or facility for a
14 particular year, and the calculation of the average per capita
15 cost per day; the average daily population of a particular
16 Department correctional institution or facility for a
17 particular year; the specific placement of a particular
18 committed person in various Department correctional
19 institutions or facilities for various periods of time; and the
20 record of transactions of a particular committed person's trust
21 account under Section 3-4-3 of this Act; may be proved in any
22 legal proceeding, by a reproduced copy thereof or by a computer
23 printout of Department records, under the certificate of the
24 Director. If reproduced copies are used, the Director must
25 certify that those are true and exact copies of the records on
26 file with the Department. If computer printouts of records of
27 the Department are offered as proof, the Director must certify
28 that those computer printouts are true and exact
29 representations of records properly entered into standard
30 electronic computing equipment, in the regular course of the
31 Department's business, at or reasonably near the time of the
32 occurrence of the facts recorded, from trustworthy and reliable
33 information. The reproduced copy or computer printout shall,
34 without further proof, be admitted into evidence in any legal
35 proceeding, and shall be prima facie correct and prima facie
36 evidence of the accuracy of the information contained therein.

1 (d) Authority. The Director, or the Director's designee,
2 may, when he or she knows or reasonably believes that a
3 committed person, or the estate of that person, has assets
4 which may be used to satisfy all or part of a judgment rendered
5 under this Act, or when he or she knows or reasonably believes
6 that a committed person is engaged in gang-related activity and
7 has a substantial sum of money or other assets, provide for the
8 forwarding to the Attorney General of a report on the committed
9 person and that report shall contain a completed form under
10 subsection (a-5) together with all other information available
11 concerning the assets of the committed person and an estimate
12 of the total expenses for that committed person, and authorize
13 the Attorney General to institute proceedings to require the
14 persons, or the estates of the persons, to reimburse the
15 Department for the expenses incurred by their incarceration and
16 to reimburse the victims of their offenses for the costs of
17 medical and dental services incurred by their victims as a
18 result of their criminal conduct. The Attorney General, upon
19 authorization of the Director, or the Director's designee,
20 shall institute actions on behalf of the Department and pursue
21 claims on the Department's or victims' behalf in probate and
22 bankruptcy proceedings, to recover from committed persons the
23 expenses incurred by their confinement or the medical and
24 dental costs of their victims. For purposes of this subsection
25 (d), "gang-related" activity has the meaning ascribed to it in
26 Section 10 of the Illinois Streetgang Terrorism Omnibus
27 Prevention Act.

28 (e) Scope and limitations.

29 (1) No action under this Section shall be initiated
30 more than 2 years after the release or death of the
31 committed person in question.

32 (2) The death of a convicted person, by execution or
33 otherwise, while committed to a Department correctional
34 institution or facility shall not act as a bar to any
35 action or proceeding under this Section.

36 (3) The assets of a committed person, for the purposes

1 of this Section, shall include any property, tangible or
2 intangible, real or personal, belonging to or due to a
3 committed or formerly committed person including income or
4 payments to the person from social security, worker's
5 compensation, veteran's compensation, pension benefits, or
6 from any other source whatsoever and any and all assets and
7 property of whatever character held in the name of the
8 person, held for the benefit of the person, or payable or
9 otherwise deliverable to the person. Any trust, or portion
10 of a trust, of which a convicted person is a beneficiary,
11 shall be construed as an asset of the person, to the extent
12 that benefits thereunder are required to be paid to the
13 person, or shall in fact be paid to the person. At the time
14 of a legal proceeding by the Attorney General under this
15 Section, if it appears that the committed person has any
16 assets which ought to be subjected to the claim of the
17 Department or a victim under this Section, the court may
18 issue an order requiring any person, corporation, or other
19 legal entity possessed or having custody of those assets to
20 appropriate any of the assets or a portion thereof toward
21 reimbursing the Department or victim as provided for under
22 this Section. No provision of this Section shall be
23 construed in violation of any State or federal limitation
24 on the collection of money judgments.

25 (4) Nothing in this Section shall preclude the
26 Department from applying federal benefits that are
27 specifically provided for the care and treatment of a
28 committed person toward the cost of care provided by a
29 State facility or private agency.

30 (Source: P.A. 92-564, eff. 1-1-03.)

31 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)
32 Sec. 5-5-3. Disposition.

33 (a) Except as provided in Section 11-501 of the Illinois
34 Vehicle Code, every person convicted of an offense shall be
35 sentenced as provided in this Section.

1 (b) The following options shall be appropriate
2 dispositions, alone or in combination, for all felonies and
3 misdemeanors other than those identified in subsection (c) of
4 this Section:

5 (1) A period of probation.

6 (2) A term of periodic imprisonment.

7 (3) A term of conditional discharge.

8 (4) A term of imprisonment.

9 (5) An order directing the offender to clean up and
10 repair the damage, if the offender was convicted under
11 paragraph (h) of Section 21-1 of the Criminal Code of 1961
12 (now repealed).

13 (6) A fine.

14 (7) An order directing the offender to make restitution
15 to the victim under Section 5-5-6 of this Code.

16 (8) A sentence of participation in a county impact
17 incarceration program under Section 5-8-1.2 of this Code.

18 (9) A term of imprisonment in combination with a term
19 of probation when the offender has been admitted into a
20 drug court program under Section 20 of the Drug Court
21 Treatment Act.

22 Neither a fine nor restitution shall be the sole
23 disposition for a felony and either or both may be imposed only
24 in conjunction with another disposition.

25 (c) (1) When a defendant is found guilty of first degree
26 murder the State may either seek a sentence of imprisonment
27 under Section 5-8-1 of this Code, or where appropriate seek
28 a sentence of death under Section 9-1 of the Criminal Code
29 of 1961.

30 (2) A period of probation, a term of periodic
31 imprisonment or conditional discharge shall not be imposed
32 for the following offenses. The court shall sentence the
33 offender to not less than the minimum term of imprisonment
34 set forth in this Code for the following offenses, and may
35 order a fine or restitution or both in conjunction with
36 such term of imprisonment:

1 (A) First degree murder where the death penalty is
2 not imposed.

3 (B) Attempted first degree murder.

4 (C) A Class X felony.

5 (D) A violation of Section 401.1 or 407 of the
6 Illinois Controlled Substances Act, or a violation of
7 subdivision (c) (1) or (c) (2) of Section 401 of that Act
8 which relates to more than 5 grams of a substance
9 containing heroin or cocaine or an analog thereof.

10 (E) A violation of Section 5.1 or 9 of the Cannabis
11 Control Act.

12 (F) A Class 2 or greater felony if the offender had
13 been convicted of a Class 2 or greater felony within 10
14 years of the date on which the offender committed the
15 offense for which he or she is being sentenced, except
16 as otherwise provided in Section 40-10 of the
17 Alcoholism and Other Drug Abuse and Dependency Act.

18 (G) Residential burglary, except as otherwise
19 provided in Section 40-10 of the Alcoholism and Other
20 Drug Abuse and Dependency Act.

21 (H) Criminal sexual assault.

22 (I) Aggravated battery of a senior citizen.

23 (J) A forcible felony if the offense was related to
24 the activities of an organized gang.

25 Before July 1, 1994, for the purposes of this
26 paragraph, "organized gang" means an association of 5
27 or more persons, with an established hierarchy, that
28 encourages members of the association to perpetrate
29 crimes or provides support to the members of the
30 association who do commit crimes.

31 Beginning July 1, 1994, for the purposes of this
32 paragraph, "organized gang" has the meaning ascribed
33 to it in Section 10 of the Illinois Streetgang
34 Terrorism Omnibus Prevention Act.

35 (K) Vehicular hijacking.

36 (L) A second or subsequent conviction for the

1 offense of hate crime when the underlying offense upon
2 which the hate crime is based is felony aggravated
3 assault or felony mob action.

4 (M) A second or subsequent conviction for the
5 offense of institutional vandalism if the damage to the
6 property exceeds \$300.

7 (N) A Class 3 felony violation of paragraph (1) of
8 subsection (a) of Section 2 of the Firearm Owners
9 Identification Card Act.

10 (O) A violation of Section 12-6.1 of the Criminal
11 Code of 1961.

12 (P) A violation of paragraph (1), (2), (3), (4),
13 (5), or (7) of subsection (a) of Section 11-20.1 of the
14 Criminal Code of 1961.

15 (Q) A violation of Section 20-1.2 or 20-1.3 of the
16 Criminal Code of 1961.

17 (R) A violation of Section 24-3A of the Criminal
18 Code of 1961.

19 (S) (Blank).

20 (T) A second or subsequent violation of paragraph
21 (6.6) of subsection (a), subsection (c-5), or
22 subsection (d-5) of Section 401 of the Illinois
23 Controlled Substances Act.

24 (3) (Blank).

25 (4) A minimum term of imprisonment of not less than 10
26 consecutive days or 30 days of community service shall be
27 imposed for a violation of paragraph (c) of Section 6-303
28 of the Illinois Vehicle Code.

29 (4.1) (Blank).

30 (4.2) Except as provided in paragraph (4.3) of this
31 subsection (c), a minimum of 100 hours of community service
32 shall be imposed for a second violation of Section 6-303 of
33 the Illinois Vehicle Code.

34 (4.3) A minimum term of imprisonment of 30 days or 300
35 hours of community service, as determined by the court,
36 shall be imposed for a second violation of subsection (c)

1 of Section 6-303 of the Illinois Vehicle Code.

2 (4.4) Except as provided in paragraph (4.5) and
3 paragraph (4.6) of this subsection (c), a minimum term of
4 imprisonment of 30 days or 300 hours of community service,
5 as determined by the court, shall be imposed for a third or
6 subsequent violation of Section 6-303 of the Illinois
7 Vehicle Code.

8 (4.5) A minimum term of imprisonment of 30 days shall
9 be imposed for a third violation of subsection (c) of
10 Section 6-303 of the Illinois Vehicle Code.

11 (4.6) A minimum term of imprisonment of 180 days shall
12 be imposed for a fourth or subsequent violation of
13 subsection (c) of Section 6-303 of the Illinois Vehicle
14 Code.

15 (5) The court may sentence an offender convicted of a
16 business offense or a petty offense or a corporation or
17 unincorporated association convicted of any offense to:

18 (A) a period of conditional discharge;

19 (B) a fine;

20 (C) make restitution to the victim under Section
21 5-5-6 of this Code.

22 (5.1) In addition to any penalties imposed under
23 paragraph (5) of this subsection (c), and except as
24 provided in paragraph (5.2) or (5.3), a person convicted of
25 violating subsection (c) of Section 11-907 of the Illinois
26 Vehicle Code shall have his or her driver's license,
27 permit, or privileges suspended for at least 90 days but
28 not more than one year, if the violation resulted in damage
29 to the property of another person.

30 (5.2) In addition to any penalties imposed under
31 paragraph (5) of this subsection (c), and except as
32 provided in paragraph (5.3), a person convicted of
33 violating subsection (c) of Section 11-907 of the Illinois
34 Vehicle Code shall have his or her driver's license,
35 permit, or privileges suspended for at least 180 days but
36 not more than 2 years, if the violation resulted in injury

1 to another person.

2 (5.3) In addition to any penalties imposed under
3 paragraph (5) of this subsection (c), a person convicted of
4 violating subsection (c) of Section 11-907 of the Illinois
5 Vehicle Code shall have his or her driver's license,
6 permit, or privileges suspended for 2 years, if the
7 violation resulted in the death of another person.

8 (6) In no case shall an offender be eligible for a
9 disposition of probation or conditional discharge for a
10 Class 1 felony committed while he was serving a term of
11 probation or conditional discharge for a felony.

12 (7) When a defendant is adjudged a habitual criminal
13 under Article 33B of the Criminal Code of 1961, the court
14 shall sentence the defendant to a term of natural life
15 imprisonment.

16 (8) When a defendant, over the age of 21 years, is
17 convicted of a Class 1 or Class 2 felony, after having
18 twice been convicted in any state or federal court of an
19 offense that contains the same elements as an offense now
20 classified in Illinois as a Class 2 or greater Class felony
21 and such charges are separately brought and tried and arise
22 out of different series of acts, such defendant shall be
23 sentenced as a Class X offender. This paragraph shall not
24 apply unless (1) the first felony was committed after the
25 effective date of this amendatory Act of 1977; and (2) the
26 second felony was committed after conviction on the first;
27 and (3) the third felony was committed after conviction on
28 the second. A person sentenced as a Class X offender under
29 this paragraph is not eligible to apply for treatment as a
30 condition of probation as provided by Section 40-10 of the
31 Alcoholism and Other Drug Abuse and Dependency Act.

32 (9) A defendant convicted of a second or subsequent
33 offense of ritualized abuse of a child may be sentenced to
34 a term of natural life imprisonment.

35 (10) (Blank).

36 (11) The court shall impose a minimum fine of \$1,000

1 for a first offense and \$2,000 for a second or subsequent
2 offense upon a person convicted of or placed on supervision
3 for battery when the individual harmed was a sports
4 official or coach at any level of competition and the act
5 causing harm to the sports official or coach occurred
6 within an athletic facility or within the immediate
7 vicinity of the athletic facility at which the sports
8 official or coach was an active participant of the athletic
9 contest held at the athletic facility. For the purposes of
10 this paragraph (11), "sports official" means a person at an
11 athletic contest who enforces the rules of the contest,
12 such as an umpire or referee; "athletic facility" means an
13 indoor or outdoor playing field or recreational area where
14 sports activities are conducted; and "coach" means a person
15 recognized as a coach by the sanctioning authority that
16 conducted the sporting event.

17 (12) ~~(11)~~ A person may not receive a disposition of
18 court supervision for a violation of Section 5-16 of the
19 Boat Registration and Safety Act if that person has
20 previously received a disposition of court supervision for
21 a violation of that Section.

22 (d) In any case in which a sentence originally imposed is
23 vacated, the case shall be remanded to the trial court. The
24 trial court shall hold a hearing under Section 5-4-1 of the
25 Unified Code of Corrections which may include evidence of the
26 defendant's life, moral character and occupation during the
27 time since the original sentence was passed. The trial court
28 shall then impose sentence upon the defendant. The trial court
29 may impose any sentence which could have been imposed at the
30 original trial subject to Section 5-5-4 of the Unified Code of
31 Corrections. If a sentence is vacated on appeal or on
32 collateral attack due to the failure of the trier of fact at
33 trial to determine beyond a reasonable doubt the existence of a
34 fact (other than a prior conviction) necessary to increase the
35 punishment for the offense beyond the statutory maximum
36 otherwise applicable, either the defendant may be re-sentenced

1 to a term within the range otherwise provided or, if the State
2 files notice of its intention to again seek the extended
3 sentence, the defendant shall be afforded a new trial.

4 (e) In cases where prosecution for aggravated criminal
5 sexual abuse under Section 12-16 of the Criminal Code of 1961
6 results in conviction of a defendant who was a family member of
7 the victim at the time of the commission of the offense, the
8 court shall consider the safety and welfare of the victim and
9 may impose a sentence of probation only where:

10 (1) the court finds (A) or (B) or both are appropriate:

11 (A) the defendant is willing to undergo a court
12 approved counseling program for a minimum duration of 2
13 years; or

14 (B) the defendant is willing to participate in a
15 court approved plan including but not limited to the
16 defendant's:

17 (i) removal from the household;

18 (ii) restricted contact with the victim;

19 (iii) continued financial support of the
20 family;

21 (iv) restitution for harm done to the victim;

22 and

23 (v) compliance with any other measures that
24 the court may deem appropriate; and

25 (2) the court orders the defendant to pay for the
26 victim's counseling services, to the extent that the court
27 finds, after considering the defendant's income and
28 assets, that the defendant is financially capable of paying
29 for such services, if the victim was under 18 years of age
30 at the time the offense was committed and requires
31 counseling as a result of the offense.

32 Probation may be revoked or modified pursuant to Section
33 5-6-4; except where the court determines at the hearing that
34 the defendant violated a condition of his or her probation
35 restricting contact with the victim or other family members or
36 commits another offense with the victim or other family

1 members, the court shall revoke the defendant's probation and
2 impose a term of imprisonment.

3 For the purposes of this Section, "family member" and
4 "victim" shall have the meanings ascribed to them in Section
5 12-12 of the Criminal Code of 1961.

6 (f) This Article shall not deprive a court in other
7 proceedings to order a forfeiture of property, to suspend or
8 cancel a license, to remove a person from office, or to impose
9 any other civil penalty.

10 (g) Whenever a defendant is convicted of an offense under
11 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
12 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
13 of the Criminal Code of 1961, the defendant shall undergo
14 medical testing to determine whether the defendant has any
15 sexually transmissible disease, including a test for infection
16 with human immunodeficiency virus (HIV) or any other identified
17 causative agent of acquired immunodeficiency syndrome (AIDS).
18 Any such medical test shall be performed only by appropriately
19 licensed medical practitioners and may include an analysis of
20 any bodily fluids as well as an examination of the defendant's
21 person. Except as otherwise provided by law, the results of
22 such test shall be kept strictly confidential by all medical
23 personnel involved in the testing and must be personally
24 delivered in a sealed envelope to the judge of the court in
25 which the conviction was entered for the judge's inspection in
26 camera. Acting in accordance with the best interests of the
27 victim and the public, the judge shall have the discretion to
28 determine to whom, if anyone, the results of the testing may be
29 revealed. The court shall notify the defendant of the test
30 results. The court shall also notify the victim if requested by
31 the victim, and if the victim is under the age of 15 and if
32 requested by the victim's parents or legal guardian, the court
33 shall notify the victim's parents or legal guardian of the test
34 results. The court shall provide information on the
35 availability of HIV testing and counseling at Department of
36 Public Health facilities to all parties to whom the results of

1 the testing are revealed and shall direct the State's Attorney
2 to provide the information to the victim when possible. A
3 State's Attorney may petition the court to obtain the results
4 of any HIV test administered under this Section, and the court
5 shall grant the disclosure if the State's Attorney shows it is
6 relevant in order to prosecute a charge of criminal
7 transmission of HIV under Section 12-16.2 of the Criminal Code
8 of 1961 against the defendant. The court shall order that the
9 cost of any such test shall be paid by the county and may be
10 taxed as costs against the convicted defendant.

11 (g-5) When an inmate is tested for an airborne communicable
12 disease, as determined by the Illinois Department of Public
13 Health including but not limited to tuberculosis, the results
14 of the test shall be personally delivered by the warden or his
15 or her designee in a sealed envelope to the judge of the court
16 in which the inmate must appear for the judge's inspection in
17 camera if requested by the judge. Acting in accordance with the
18 best interests of those in the courtroom, the judge shall have
19 the discretion to determine what if any precautions need to be
20 taken to prevent transmission of the disease in the courtroom.

21 (h) Whenever a defendant is convicted of an offense under
22 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
23 defendant shall undergo medical testing to determine whether
24 the defendant has been exposed to human immunodeficiency virus
25 (HIV) or any other identified causative agent of acquired
26 immunodeficiency syndrome (AIDS). Except as otherwise provided
27 by law, the results of such test shall be kept strictly
28 confidential by all medical personnel involved in the testing
29 and must be personally delivered in a sealed envelope to the
30 judge of the court in which the conviction was entered for the
31 judge's inspection in camera. Acting in accordance with the
32 best interests of the public, the judge shall have the
33 discretion to determine to whom, if anyone, the results of the
34 testing may be revealed. The court shall notify the defendant
35 of a positive test showing an infection with the human
36 immunodeficiency virus (HIV). The court shall provide

1 information on the availability of HIV testing and counseling
2 at Department of Public Health facilities to all parties to
3 whom the results of the testing are revealed and shall direct
4 the State's Attorney to provide the information to the victim
5 when possible. A State's Attorney may petition the court to
6 obtain the results of any HIV test administered under this
7 Section, and the court shall grant the disclosure if the
8 State's Attorney shows it is relevant in order to prosecute a
9 charge of criminal transmission of HIV under Section 12-16.2 of
10 the Criminal Code of 1961 against the defendant. The court
11 shall order that the cost of any such test shall be paid by the
12 county and may be taxed as costs against the convicted
13 defendant.

14 (i) All fines and penalties imposed under this Section for
15 any violation of Chapters 3, 4, 6, and 11 of the Illinois
16 Vehicle Code, or a similar provision of a local ordinance, and
17 any violation of the Child Passenger Protection Act, or a
18 similar provision of a local ordinance, shall be collected and
19 disbursed by the circuit clerk as provided under Section 27.5
20 of the Clerks of Courts Act.

21 (j) In cases when prosecution for any violation of Section
22 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
23 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
24 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
25 Code of 1961, any violation of the Illinois Controlled
26 Substances Act, or any violation of the Cannabis Control Act
27 results in conviction, a disposition of court supervision, or
28 an order of probation granted under Section 10 of the Cannabis
29 Control Act or Section 410 of the Illinois Controlled Substance
30 Act of a defendant, the court shall determine whether the
31 defendant is employed by a facility or center as defined under
32 the Child Care Act of 1969, a public or private elementary or
33 secondary school, or otherwise works with children under 18
34 years of age on a daily basis. When a defendant is so employed,
35 the court shall order the Clerk of the Court to send a copy of
36 the judgment of conviction or order of supervision or probation

1 to the defendant's employer by certified mail. If the employer
2 of the defendant is a school, the Clerk of the Court shall
3 direct the mailing of a copy of the judgment of conviction or
4 order of supervision or probation to the appropriate regional
5 superintendent of schools. The regional superintendent of
6 schools shall notify the State Board of Education of any
7 notification under this subsection.

8 (j-5) A defendant at least 17 years of age who is convicted
9 of a felony and who has not been previously convicted of a
10 misdemeanor or felony and who is sentenced to a term of
11 imprisonment in the Illinois Department of Corrections shall as
12 a condition of his or her sentence be required by the court to
13 attend educational courses designed to prepare the defendant
14 for a high school diploma and to work toward a high school
15 diploma or to work toward passing the high school level Test of
16 General Educational Development (GED) or to work toward
17 completing a vocational training program offered by the
18 Department of Corrections. If a defendant fails to complete the
19 educational training required by his or her sentence during the
20 term of incarceration, the Prisoner Review Board shall, as a
21 condition of mandatory supervised release, require the
22 defendant, at his or her own expense, to pursue a course of
23 study toward a high school diploma or passage of the GED test.
24 The Prisoner Review Board shall revoke the mandatory supervised
25 release of a defendant who wilfully fails to comply with this
26 subsection (j-5) upon his or her release from confinement in a
27 penal institution while serving a mandatory supervised release
28 term; however, the inability of the defendant after making a
29 good faith effort to obtain financial aid or pay for the
30 educational training shall not be deemed a wilful failure to
31 comply. The Prisoner Review Board shall recommit the defendant
32 whose mandatory supervised release term has been revoked under
33 this subsection (j-5) as provided in Section 3-3-9. This
34 subsection (j-5) does not apply to a defendant who has a high
35 school diploma or has successfully passed the GED test. This
36 subsection (j-5) does not apply to a defendant who is

1 determined by the court to be developmentally disabled or
2 otherwise mentally incapable of completing the educational or
3 vocational program.

4 (k) A court may not impose a sentence or disposition for a
5 felony or misdemeanor that requires the defendant to be
6 implanted or injected with or to use any form of birth control.

7 (l) (A) Except as provided in paragraph (C) of subsection
8 (l), whenever a defendant, who is an alien as defined by
9 the Immigration and Nationality Act, is convicted of any
10 felony or misdemeanor offense, the court after sentencing
11 the defendant may, upon motion of the State's Attorney,
12 hold sentence in abeyance and remand the defendant to the
13 custody of the Attorney General of the United States or his
14 or her designated agent to be deported when:

15 (1) a final order of deportation has been issued
16 against the defendant pursuant to proceedings under
17 the Immigration and Nationality Act, and

18 (2) the deportation of the defendant would not
19 deprecate the seriousness of the defendant's conduct
20 and would not be inconsistent with the ends of justice.

21 Otherwise, the defendant shall be sentenced as
22 provided in this Chapter V.

23 (B) If the defendant has already been sentenced for a
24 felony or misdemeanor offense, or has been placed on
25 probation under Section 10 of the Cannabis Control Act or
26 Section 410 of the Illinois Controlled Substances Act, the
27 court may, upon motion of the State's Attorney to suspend
28 the sentence imposed, commit the defendant to the custody
29 of the Attorney General of the United States or his or her
30 designated agent when:

31 (1) a final order of deportation has been issued
32 against the defendant pursuant to proceedings under
33 the Immigration and Nationality Act, and

34 (2) the deportation of the defendant would not
35 deprecate the seriousness of the defendant's conduct
36 and would not be inconsistent with the ends of justice.

1 (C) This subsection (1) does not apply to offenders who
2 are subject to the provisions of paragraph (2) of
3 subsection (a) of Section 3-6-3.

4 (D) Upon motion of the State's Attorney, if a defendant
5 sentenced under this Section returns to the jurisdiction of
6 the United States, the defendant shall be recommitted to
7 the custody of the county from which he or she was
8 sentenced. Thereafter, the defendant shall be brought
9 before the sentencing court, which may impose any sentence
10 that was available under Section 5-5-3 at the time of
11 initial sentencing. In addition, the defendant shall not be
12 eligible for additional good conduct credit for
13 meritorious service as provided under Section 3-6-6.

14 (m) A person convicted of criminal defacement of property
15 under Section 21-1.3 of the Criminal Code of 1961, in which the
16 property damage exceeds \$300 and the property damaged is a
17 school building, shall be ordered to perform community service
18 that may include cleanup, removal, or painting over the
19 defacement.

20 (n) The court may sentence a person convicted of a
21 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
22 Code of 1961 (i) to an impact incarceration program if the
23 person is otherwise eligible for that program under Section
24 5-8-1.1, (ii) to community service, or (iii) if the person is
25 an addict or alcoholic, as defined in the Alcoholism and Other
26 Drug Abuse and Dependency Act, to a substance or alcohol abuse
27 program licensed under that Act.

28 (o) A person convicted of an offense that results in injury
29 to a victim shall be ordered to pay for the medical and dental
30 costs incurred by the victim in seeking treatment for those
31 injuries inflicted by the person convicted.

32 (Source: P.A. 92-183, eff. 7-27-01; 92-248, eff. 8-3-01;
33 92-283, eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff.
34 8-17-01; 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698,
35 eff. 7-19-02; 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,
36 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,

1 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,
2 eff. 1-1-05; 93-1014, eff. 1-1-05; revised 10-25-04.)